

JAMES MONTELEONE

IBLA 72-282

Decided January 12, 1973

Appeal from decision by New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer (NM 14454).

Affirmed.

Administrative Practice—Oil and Gas Leases: Applications: Generally—
Regulations: Generally—Regulations: Waiver

Where an oil and gas lease offer filed on a drawing entry card in a simultaneous filing procedure contains the name of an additional party in interest, and the required statements of interest, copy or explanation of the agreement between the parties, and evidence of the qualifications of the additional party are not filed within the time prescribed, the offer must be rejected. Strict compliance with the Department's regulations may not be waived to favor an applicant who pleads ignorance of the law or inexperience in oil and gas leasing.

Oil and Gas Leases: Applications: Sole Party in Interest

Where an oil and gas lease offer filed on a drawing entry card in a simultaneous filing procedure contains the name of an additional party in interest, and the required statements of interest, copy or explanation of the agreement between the parties, and evidence of the qualifications of the additional party are not filed within 15 days after the filing of the lease offer, the offer must be rejected.

APPEARANCES: James Monteleone, pro se.

OPINION BY MR. FISHMAN

James Monteleone has appealed to the Board of Land Appeals from a decision of the New Mexico State Office, Bureau of Land

Management, dated January 27, 1972, rejecting his noncompetitive oil and gas lease offer.

Appellant's offer to lease was filed pursuant to section 17 of the Mineral Leasing Act, as amended, 30 U.S.C. § 226 (1970). The offer was rejected for the reason that the statement of interests required by 43 CFR 3102.7 was not filed.

On August 23, 1971, appellant filed his lease offer on a simultaneous oil and gas entry card. Appellant signed the front of the card which states in pertinent part:

Applicant is the sole party in interest in this offer * * * or if not the sole party in interest * * * the names and addresses of all other interested parties are set forth on the reverse hereof.

On the reverse side of the card, appellant named Salvatore Monteleone as a party in interest. The instructions on the reverse side of the card stated that compliance must be made with the provisions of 43 CFR 3123.2 which is now codified as 43 CFR 3102.7 and provides in pertinent part:

If there are other parties interested in the offer a separate statement must be signed by them and by the offeror, setting forth the nature and extent of the interest of each in the offer, the nature of the agreement between them if oral, and a copy of such agreement if written. All interested parties must furnish evidence of their qualifications to hold such lease interest. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the lease offer.

This Board has consistently held that a lease offer which fails to meet the requirements of the above regulation must be rejected. Richard Hubbard, 2 IBLA 270, 78 I.D. 170 (1971); Hiroshi Mizoguchi, 4 IBLA 249 (1972); Thomas H. Mullinax, 4 IBLA 114 (1971).

The gist of appellant's argument on appeal is that he did not know he was required to comply with the disclosure provisions of 43 CFR 3102.7. However, the Bureau cannot waive strict compliance with the regulations to favor applicants who plead ignorance of the law or inexperience in oil and gas leasing. Jesse B. Graner, et al., A-30899 (March 29, 1968).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Frederick Fishman, Member

We concur.

Edward W. Stuebing, Member

Joan B. Thompson, Member

